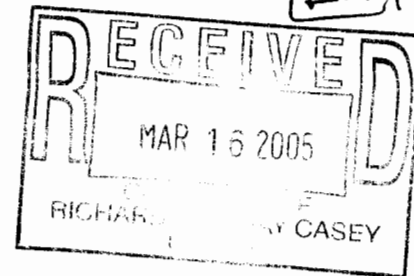


ECF



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MERIT CAPITAL GROUP, LLC,

Plaintiff,

-against-

**AMENDED PRETRIAL
SCHEDULING
STIPULATION AND ORDER**

Case No. 04 Civ. 7690 (RCC)

TRIO INDUSTRIES MANAGEMENT, LLC,
TRIO INDUSTRIES HOLDINGS, LLC,
EVAN R. DANIELS, and ROBERT E. GYEMANT,

Defendants.
-----X

TRIO INDUSTRIES MANAGEMENT, LLC,
TRIO INDUSTRIES HOLDINGS, LLC,

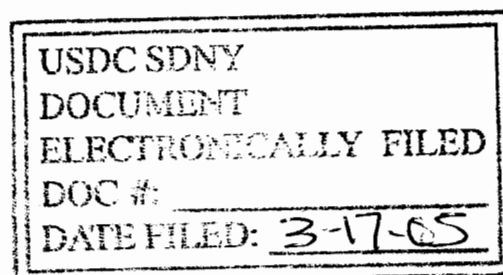
Third Party Plaintiffs,

-against-

HARVEY M. BLOCH, ALFRED SALAZAR
and THOMAS J. MANCUSO,

Third Party Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED by counsel for plaintiff Merit Capital Group, LLC ("plaintiff") and third-party defendants Harvey M. Bloch and Alfred Salazar ("third-party defendants"), on the one hand, and counsel for defendants Trio Industries Management, LLC, Trio Industries Holdings, LLC, Evan R. Daniels, and Robert E. Gyemant ("defendants") and third-party plaintiffs Trio Industries Management, LLC and Trio Industries Holdings, LLC



("third-party plaintiffs"), on the other hand – and third-party defendant Thomas J. Mancuso having not appeared in this action – as follows:

1. Defendants/Third-Party Plaintiffs, by April 1, 2005, shall respond to the requests for the production of documents and interrogatories previously served by Plaintiff/Third-Party Defendants on January 4, 2005.
2. Defendants/Third-Party Plaintiffs, by April 1, 2005, shall serve any requests for the production of documents and interrogatories; and Plaintiff/Third-Party Defendants, by May 6, 2005, shall respond to any such requests for the production of documents and interrogatories served by Defendants/Third-Party Plaintiffs.
3. Any requests to admit shall be served by May 6, 2005.
4. Any experts are to be designated by April 22, 2005, and all experts' reports shall be exchanged by May 2, 2005. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth below.
5. All depositions shall be completed by May 31, 2005.
6. All discovery is to be completed by May 31, 2005.
7. A pre-motion conference will be required before any dispositive motion (including a motion to dismiss) may be filed. The court will confirm the parties' briefing schedule at the pre-motion conference.
8. All motions, applications, requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

9. The parties shall appear for a case management conference on Friday, June 3, 2005 A.M. in Courtroom 14C.

Dated: March 16, 2005

SHUSTAK JALIL & HELLER, P.C.
Attorneys for Defendants
and Third-Party Plaintiffs

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SO ORDERED:

Richard Conway Casey
Hon. Richard Conway Casey
United States District Court Judge
March 16, 2005